

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mildenzel Davis,)	C/A No.: 1:12-2490-SB-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Captain Brunson; Officer Jackson; Sgt)	
Spades; Officer Mills,)	
)	
Defendants.)	
)	
)	

This matter comes before the court on Plaintiff's letter docketed June 4, 2013. [Entry #64]. In his letter, Plaintiff requests a transfer from the Florence County Detention Center. *Id.* Additionally, Plaintiff states that if he cannot be moved, he seeks to "end this case." *Id.* Plaintiff is advised that any request for a voluntary dismissal of his case cannot be conditioned on the court's grant or denial of a motion and is unlikely to be granted unless requested unconditionally. Fed. R. Civ. P. 41(a).

Plaintiff is further advised that a request to transfer institutions is a request for injunctive relief that must be made through a formal motion filed with the court. Fed. R. Civ. P. 65. An injunction is an "extraordinary remed[y] involving the exercise of very far-reaching power to be granted only sparingly and in limited circumstances." *MicroStrategy Inc. v. Motorola, Inc.*, 245 F.3d 335, 339 (4th Cir. 2001). The court also notes that there is no constitutional right for a state or federal prisoner to be housed in a particular institution, at a particular custody level, or in a particular portion or unit of a correctional institution. *See Olim v. Wakinekona*, 461 U.S. 238 (1983); *Ange v. Paderick*,

521 F.2d 1066 (4th Cir. 1975). The placement and assignment of inmates into particular institutions or units by state or federal corrections departments are discretionary functions and are not subject to review unless state or federal law places limitations on official discretion. *Hayes v. Thompson*, 726 F.2d 1015, 1016–17 & n. 1 (4th Cir. 1984).

If Plaintiff wishes to voluntarily dismiss this case, he may file a motion asking the court to dismiss this case unconditionally. Otherwise, the court will rule on the pending motion for summary judgment in due course.

IT IS SO ORDERED.



June 17, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge